

**6470. Adulteration and misbranding of sauerkraut. U. S. \* \* \* v. 420 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8755. I. S. Nos. 9246-p, 9247-p. S. No. C-804.)**

On February 1, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 420 cases of sauerkraut, at Chicago, Ill., alleging that the article had been shipped on November 28, 1917, by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Thomas Sauer Kraut, Thomas Canning Co., Grand Rapids, Michigan."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sauerkraut, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Sauer Kraut," borne on the labels, deceived and misled the purchaser into the belief that it was sauerkraut containing a normal quantity of brine, whereas it contained an excessive quantity of brine.

On May 18, 1918, Brodsky, Gross & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that a sticker label bearing the following statement, to wit, "Sauer Kraut, 30% Added Brine," should be placed on each of the cases.

*J. R. Riggs, Acting Secretary of Agriculture.*